

**FILED**

**AUG 30 2017**

Clerk, U S District Court  
District Of Montana  
Missoula

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

MICHAEL HENRY ANDERSON,

Plaintiff,

vs.

DR. KOHUT,

Defendant.

CV 17-72-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered Findings and Recommendations in this case on August 3, 2017, recommending that this matter be dismissed without. Plaintiff Michael Henry Anderson (“Anderson”) filed a timely objection to the Findings and Recommendations, and so is entitled to a de novo review of those findings and recommendations to which he specifically objects. 28 U.S.C. § 636(b)(1)(C).<sup>1</sup> This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981);

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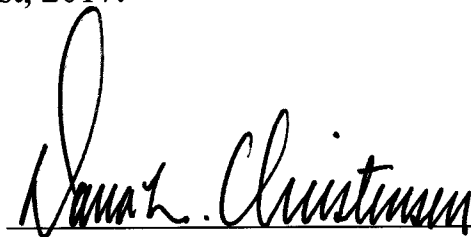
<sup>1</sup> Anderson filed a letter on August 23, 2017. (Doc. 8.) Anderson requests that the Court reopen this case because Dr. Kohut threatened him and denied him medical attention. The Court will treat this letter as an objection.

*Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Judge Johnston concluded, and this Court agrees, that dismissal is appropriate because Anderson has not shown that he is in imminent danger or serious physical injury. Anderson’s letter explains that he was threatened by Dr. Kohut and that Dr. Kohut denied him medical care. However, that claim is unsupported by any direct evidence. Furthermore, Anderson has already indicated that he would dismiss this case. (Doc. 6.)

Accordingly, IT IS ORDERED that Judge Johnston’s Findings and Recommendations (Doc. 7) is ADOPTED IN FULL. This case is DISMISSED WITHOUT PREJUDICE.

DATED this 30<sup>th</sup> day of August, 2017.

A handwritten signature in black ink, reading "Dana L. Christensen", written over a horizontal line.

Dana L. Christensen, Chief Judge  
United States District Court